

UNITED STATES DISTRICT COURT

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MOUNTAIN WEST FARM BUREAU
MUTUAL INSURANCE COMPANY, a
Wyoming corporation,

Nov 21, 2019

SEAN F. MCAVOY, CLERK

Plaintiff

v.

Civil Action No. 2:18-cv-00396-SAB

J. TIM JACKSON and ROBERTA JACKSON, husband and wife; IBEX CONSTRUCTION, INC., a Washington corporation; STEVEN O. ANDERSON as personal representative of the ESTATE OF EDWARD K. DUMAW, on behalf of the Estate and surviving family members, CARRIE DUMAW, KRISTEN DUMAW, MEGAN DUMAW, and ANNA DUMAW, individually; RICHARD WAGONER and VALERIE WAGONER, husband and wife; THEODORE LISTER; DALE RANDALL HILL; JACK STEGALL, JR.; FELIX W. SCHUCK; INLAND NORTHWEST EQUIPMENT AUCTION, INC., d/b/a REINLAND AUCTIONEERS, a Washington corporation; REINLAND, INC., d/b/a REINLAND EQUIPMENT AUCTION, an Idaho corporation; REINLAND PROPERTIES, LLC, an Idaho limited liability company; THOMAS REINLAND and KUNYA REINLAND, husband and wife; ASHLY REINLAND and JOHN DOE REINLAND, husband and wife; PACIFIC HIDE & FUR DEPOT, d/b/a PACIFIC STEEL & RECYCLING, a Montana corporation; PACIFIC HIDE & FUR DEPOT, INC., a Washington corporation; GORDON BECK and JANE DOE BECK, husband and wife,

Defendant

JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the plaintiff (*name*) _____ recover from the defendant (*name*) _____ the amount of _____ dollars (\$ _____), which includes prejudgment interest at the rate of _____ %, plus post judgment interest at the rate of _____ % per annum, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) _____ recover costs from the plaintiff (*name*) _____

☒ other: Plaintiff's Motion for Summary Judgment, ECF No. 26, is GRANTED; the Stipulation for Entry of Declaratory Judgment in Favor of Plaintiff, ECF No. 33, is GRANTED; and Declaratory Judgment is entered in favor of the Plaintiff against Defendants declaring as follows:

- 1) The Mountain West Farm Bureau Mutual Insurance Company "Country Squire Policy" No. CQM15825 issued to defendants J. Timothy Jackson and Roberta Jackson does not provide for either the defense of, or indemnity coverage for, the personal injury claims and alleged damages plead in any of the subject lawsuits involving these parties arising out of the chlorine gas release occurring on the business premises of Pacific Steel & Recycling in Spokane, Washington on August 12, 2015; and
- 2) Mountain West Farm Bureau Mutual Insurance Company has no further duty to defend defendants J. Timothy Jackson, Roberta Jackson, or IBEX Construction, Inc., in any of the subject lawsuits involving these parties arising out of the August 12, 2015 chlorine gas release on the Pacific Steel & Recycling premises; and
- 3) Each party that stipulated to the entry of the declaratory judgment shall bear their own respective attorney's fees and costs of litigation.

This action was (*check one*):

☐ tried by a jury with Judge _____ presiding, and the jury has rendered a verdict.

☐ tried by Judge _____ without a jury and the above decision was reached.

☒ decided by Judge Stanley A. Bastian on Plaintiff's motion for summary judgment and the stipulation for entry of declaratory judgment in favor of the Plaintiff.

Date: November 21, 2019

CLERK OF COURT

s/ Angela Noel
Angela Noel Deputy Clerk

Signature of Clerk or Deputy Clerk